



VIA EMAIL shl.orders@nysb.uscourts.gov

David L. Tillem
(914) 872-7104
David.Tillem@Wilsonelser.com

February 13, 2018

Honorable Sean H. Lane
United States Bankruptcy Judge
United States Bankruptcy Court
Southern District of New York
One Bowling Green
Courtroom: 701
New York, NY 10004-1408

Re: In Re: 261 East 78 Lofts LLC, Debtor
Case No. 16-11644 (SHL)
Request for Conference
Our File No.: 12205.00021

Dear Judge Lane:

The undersigned are counsel to secured creditor Joseph Zelik in this action. As directed by the Court earlier yesterday, I am writing to request an in-court conference to address certain deficiencies in the responses of Kriss & Feuerstein LLP ("Kriss & Feuerstein") and the objection of Perkins Coie LLP ("Perkins Coie"), to the subpoenas *ad testificandam and duces tecum* (the "Subpoenas") served on them. Copies of the Subpoenas are attached collectively as Exhibit A. This request is being made in accordance with Local Rule 7007-1(a).

As explained at the January 24, 2018, in-court conference before this Court, we have made good faith efforts to address the concerns with the responses from Kriss & Feuerstein, LLP. On January 26, 2018, we sent an email to Kriss & Feuerstein's outlining the substance of the January 24, 2018 conference as it pertained to the status of Kriss & Feuerstein's responses to the Subpoena. A copy of that email is attached as Exhibit B. We have not received a response.

On February 2, 2018, following service of the Subpoena, we received an initial response from Perkins Coie LLP. Initially, Perkins Coie objected to each of the requests in the Subpoena, on the basis of – among others – "attorney-client privilege, attorney work product doctrine, or any other applicable protection." Accordingly, we scheduled a call on February 8, 2018, for the purpose of discussing their initial response. Following that call, Perkins Coie submitted an Amended Objection to Subpoena which incorporated the prior objections concerning privilege and work product, and specifically asserted an objection predicated on Rule 1.6 of the New York Rules of Professional Responsibility. A copy of Perkins Coie's Amended Objection to Subpoena is attached as Exhibit C.

1133 Westchester Avenue • White Plains, NY 10604 • p 914.323.7000 • f 914.323.7001

Albany • Atlanta • Austin • Baltimore • Beaumont • Boston • Chicago • Dallas • Denver • Edwardsville • Garden City • Hartford • Houston • Indiana • Kentucky
Las Vegas • London • Los Angeles • Miami • Michigan • Milwaukee • New Jersey • New Orleans • New York • Orlando • Philadelphia • Phoenix • San Diego
San Francisco • Sarasota • Stamford • Virginia • Washington, DC • West Palm Beach • White Plains

wilsonelser.com

6903824v.1

Honorable Sean H. Lane
Re: 261 East 78 Lofts LLC
File No.: 12205.00021
Page 2

Accordingly, at this time, I would ask that this Court "So Order" this letter and direct that an attorney from Kriss & Feuerstein and Perkins Coie, with knowledge of the underlying facts and circumstances, appear at a conference before this Court on February 22, 2018, at 10:00 a.m, or as soon thereafter as this Court directs, to address the responses to the Subpoena.

Let service of a copy of this "So Ordered" letter upon Kriss & Feuerstein and Perkins Coie, via overnight mail and email, on or before February ____, 2018, be deemed good and sufficient.

Thank you for your attention to this matter.

Respectfully Submitted,

WILSON, ELSE, MOSKOWITZ, EDELMAN & DICKER LLP



David L. Tillem

DLT/dbf
Enclosures

cc: Kriss & Feuerstein, LLP (via email)
Perkins Coie LLP (via email)
Kevin Nash, Esq. (via email)
Ted Donovan, Esq. (via email)